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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,169	02/08/2005	Kurt Robinson	9335b	8612
21905 7590 09/11/2007 CONNORS ASSOCIATES 1600 DOVE ST SUITE 220 NEWPORT BEACH, CA 92660			EXAMINER KARLS, SHAY LYNN	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,169

Applicant(s)

ROBINSON, KURT

Examiner

Shay L. Karls

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 31 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-16 and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 includes the limitation for a hand-retaining member attached to the topside of the cleaning head. Claim 13 depends from 7 which states that there is a handle connected to the topside of the cleaning element. This is confusing since both a hand-retaining member and a handle need to be attached to the topside of the cleaning head. There is no support for this in the specification or in the drawings. These are two separate embodiments that are never described as being used together. Please clarify and correct as necessary.

Claim 34 recites the limitation "the disk shaped member" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4, 7-9, 12, 17-26, 31-34, 37-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (USPN 5419015) in view of Brach, Jr. et al. (USPN 5487203).**

Garcia teaches a handheld cleaning device comprising a cleaning head (20) having an underside and a topside. There is an absorbent wiping member (31) detachably connected to the underside of the cleaning head.

With regards to claim 2, the wiping member covers substantially the entire underside of the cleaning head (figure 3).

With regards to claim 7, the cleaning head includes an elongated handle (21) having a first end connected at a central point of the topside cleaning head (figure 3) and a second free end (not shown) enabling the user to grasp the free end and manipulate the cleaning head.

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With regards to claim 8, the first end of the handle is pivotally connected to the cleaning head, via a joint (25).

With regards to claim 9, a universal joint (25) pivotally connects the handle to the cleaning head.

With regards to claims 12 and 31, the first end of the handle is pivotally and rotatably connected to the head via the universal joint.

With regards to claim 17, there is a two-component connector (hook and loop material) that detachably connects the cleaning head and the wiping member. The two-component connector having a first component attached to the underside of the cleaning head (28) and a second component attached to a topside of the wiping member (32).

With regards to claim 18, one component includes a loop element (28) and the other component includes a fabric element (32).

With regards to claim 19, the wiping member includes a support member (32).

With regards to claim 20, the wiping member comprises a multi-ply cloth absorbent material connected to the support member (34).

With regards to claim 21, the wiping member includes a foam member (33) positioned between the support member and the cloth absorbent material.

With regards to claim 22, Garcia teaches a handheld cleaning device comprising a cleaning head (20) having an underside and a topside. There is a handle (21) pivotally attached (25) to the topside of the cleaning head. There is an absorbent wiping member (31) detachably connected to the underside of the cleaning head.

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With regards to claim 23, the wiping member covers substantially the entire underside of the cleaning head (figure 3).

With regards to claim 32, there is a two-component connector (hook and loop material) that detachably connects the cleaning head and the wiping member. The two-component connector having a first component attached to the underside of the cleaning head (28) and a second component attached to a topside of the wiping member (32).

With regards to claim 34, Garcia teaches a handheld cleaning device comprising a cleaning head (20) with a predetermined shape having a planar underside and topside. There is a liquid absorbent pad (31) detachably connected to the underside of the cleaning head. The pad covers substantially the entire underside of the head (figure 3). There is a handle attached (25) to the topside of the cleaning head by a pivot member (25).

With regards to claim 37, it is well known that sporting events are televised. Therefore, the use of Garcia's mop during a sporting event to remove liquid from a surface may be televised.

With regards to claim 38, the surface being cleaning is near spectator seats and therefore spectators can observe the mop head while the mop is being used.

With regards to claim 42, the mop may be used at a variety of sporting events, including basketball.

With regards to claim 44, it is well known that many sporting events include a floor surface which the event is being played on. It is additionally well known that spectators watch the event from nearby seats. Therefore, the use of Garcia's mop during a sporting event to remove liquid from a surface may be observed by at least one spectator.

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With regards to claim 46, the mop may be used at a variety of sporting events, including basketball.

With regards to claim 48, it is further well known that the sporting events are televised and therefore, the mop could end up being televised as well.

Garcia teaches all the essential elements of the claimed invention however fails to teach a visual advertisement located on the topside of the cleaning head (claims 1, 3-4, 22-26, 33, 34, 37-48).

Brach teaches a cleaning device comprising a visual advertisement located on a topside of a cleaning head. The advertisement is a cover that covers substantially the entire topside of the cleaning head (figure 15). The cover is detachable (figure 20) and replaceable by means of a two-component connector. The cleaning head has one component (17, 18) and the cover member forms the second component (edges of advertisement fit under the flanges of the cleaning head). Further, while Brach does not specifically state that the advertisement is for a sporting events sponsor or a sports team, it would have been obvious to one of ordinary skill in the art to use the advertisement for any product, place or team to create interest among users and spectators in whatever is being advertised.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning head of Garcia so that it comprises a visual advertisement cover that is replaceable as taught by Brach so that the cleaning device of Garcia can be used to advertise as well as clean. Further, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known

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methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

How the mop is to be used is considered intended use. As long as the prior art teaches all the structural elements of the claimed invention, it is capable of performing the intended function of the present invention. Therefore, when Garcia in view of Brach's mop is used to remove liquids from the playing surface at sporting events and the advertisement is located on the topside of the cleaning head, the advertisement is capable of being televised and also observed by spectators sitting near the playing surface.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) in view of Brach, Jr. et al. ('203).**

Garcia and Brach teach all the essential elements of the claimed invention however fail to teach that the combined weight of the cleaning head, wiping member and cover member is less than three pounds. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the weight of the elements of Garcia in view of Brach so that they weigh less than three pounds so that the device is light and easy to maneuver quickly. Additionally, making the device lightweight is a modification that would have yielded predictable results and would have been recognized as part of the ordinary capabilities of one skilled in the art.

**Claims 6 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Savage (USPN D467396).**



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Garcia and Brach teach all the essential elements of the claimed invention, including a elongated handle (21) having a first end pivotally connected to a central point of the topside of the cleaning head and second free end (not shown) enabling a user to grasp and manipulate the cleaning head (claim 27). The handle is attached to the cleaning head by a universal joint (25) (claim 28). The references however fail to teach that the cleaning head is disk shaped and has a thickness from  $\frac{1}{4}$  to 1 inch and a diameter from 12 to 30 inches. Savage teaches a cleaning device with multiple shaped cleaning heads. The cleaning heads can be rectangular, square or disk shaped. Savage shows that a rectangular head and a disk shaped head are equivalent structures known in the art. Therefore, because these two cleaning devices were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute a disk shaped head for a rectangular head as taught by Savage. Further, changing the shape or ornamental design of an element is a modification that has been considered to be within the level of ordinary skill in the art. MPEP 2144. Additionally, regarding the exact thickness and diameter, it would have been obvious to modify the size of the cleaning head since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art. Lastly, changing size is a modification that has been considered to be within the level of ordinary skill in the art. MPEP 2144.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Belsky et al. (USPN 2764774).**

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**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015), Brach, Jr. et al. ('203) and Savage ('396) as stated above and further in view of Belsky et al. (USPN 2764774).**

With regards to claim 10, Garcia and Brach teach all the essential elements of the claimed invention and with regards to claim 29, Garcia, Brach and Savage teach all the essential elements of the claimed invention however the references fail to teach that the pivoting structure comprises a ball and socket joint. Belsky teaches a cleaning device comprising a ball and socket joint (33-35) located between the handle and the cleaning head. Belsky shows that a ball and socket joint and the universal joint as taught by Garcia are equivalent structures known in the art. Therefore, because these two pivoting means were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the ball and socket joint for universal joint of Garcia. Additionally, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Saltzstein (USPN 3792505).**

**Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015), Brach, Jr. et al. ('203) and Savage ('396) as stated above and further in view of Saltzstein (USPN 3792505).**

With regards to claim 11, Garcia and Brach teach all the essential elements of the claimed invention and with regards to claim 30, Garcia, Brach and Savage teach all the essential elements

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of the claimed invention however the references fail to teach that the pivoting structure comprises a T-joint. Saltzstein teaches a cleaning device comprising a T-joint (66, 177) located between the handle and the cleaning head. Saltzstein shows that a T-joint and the universal joint as taught by Garcia are equivalent structures known in the art. Therefore, because these two pivoting means were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the T-joint for universal joint of Garcia. Additionally, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Nelson (USPN 5010617).**

Garcia and Brach teach all the essential elements of the claimed invention however fail to teach that the cleaning head comprises a hand-retaining member attached to the topside of the cleaning head. Nelson teaches a hand-held cleaning device with a hand-retaining member (figure 1 and 2) (claim 13). The retaining member comprises an adjustable strap (figure 1) (claim 14) and the adjustable strap comprises a self-locking component (hook and loop material (col. 1, lines 55-64; figure 1) (claim 15). The self-locking component comprises a hook component at one end of the strap and a fabric component at the other end of the strap (figure 1 and 2) (claim 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning head of Garcia so that it comprises a hand-retaining member as taught by Nelson so that the cleaning head can be securely attached to a user's hand

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to increase the cleaning capabilities of the cleaning device. The cleaning head may then be attached to a user's hand when cleaning smaller and narrower locations that would make an elongated handle difficult to maneuver.

**Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Hart (USPN 6507972).**

Garcia and Brach teach all the essential elements of the claimed invention however fail to teach that the wiping element is impregnated with a cleaning solution. Hart teaches a cleaning device comprising a handle and a cleaning head. There is a wipe member connected to the cleaning head which is impregnated with a cleaning solution (col. 3, lines 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning wipe of Garcia so that it is impregnated with a cleaning solution as taught by Hart so when cleaning a surface, a user of the cleaning device will not come in direct contact with the potentially harmful cleaning solution. Additionally, having the wipe be impregnated with the cleaning solution saves time when cleaning since there are no extra steps required for applying a cleaning solution to the surface being cleaned. It makes for a more efficient cleaning job.

**Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia ('015) and Brach, Jr. et al. ('203) as stated above and further in view of Ramrattan (USPN 6415470).**

Garcia and Brach teach all the essential elements of the claimed invention however fail to teach that the handle is telescopic. Ramrattan teaches a cleaning device comprising a

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telescoping handle (18) connected to a cleaning head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Garcia so that it is telescoping as taught by Ramrattan so that a user can adjust the length of the handle to clean out of reach places. Further having a telescoping handle will allow for better storage since the cleaning device will occupy less space.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Shay L Karls  
Patent Examiner  
Art Unit 1744